

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JUDY R. LANGLOIS

**Registered Nurse License No. 308467
Public Health Nurse Certificate No. 29234**

Case No. 2012-210

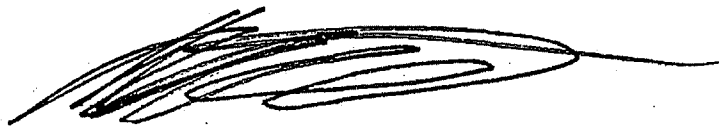
Respondent .

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 20, 2012..

IT IS SO ORDERED July 20, 2012.



Erin Niemela
Board of Registered Nursing
Department of Consumer Affairs
State of California

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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2012-210

12 **JUDY R. LANGLOIS**
13 **6 Admiral Drive # 472**
Emeryville, CA 94608

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

14 **Registered Nurse License No. 308467**
15 **Public Health Nurse Certificate No. 29234**

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant), brought this action solely in her capacity
22 as Executive Officer of the Board of Registered Nursing (Board), Department of Consumer
23 Affairs. This action is maintained pursuant to a Delegation of Authority from the Board and its
24 Executive Officer to the Department of Consumer Affairs, effective December 31, 2011. The
25 Board or its successor is represented in this matter by Kamala D. Harris, Attorney General of the
26 State of California, by Shana A. Bagley, Deputy Attorney General.
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28

1 2. Respondent Judy R. Langlois (Respondent) is representing herself in this proceeding
2 and has chosen not to exercise her right to be represented by counsel.

3 3. On or about September 30, 1979, the Board of Registered Nursing issued Registered
4 Nurse License No. 308467 to Respondent. The Registered Nurse License was in full force and
5 effect at all times relevant to the charges brought in Accusation No. 2012-210 and will expire on
6 August 31, 2013, unless renewed.

7 4. On or about November 21, 1979, the Board of Registered Nursing issued Public
8 Health Nurse Certificate No. 29234 to Respondent. The Public Health Nurse Certificate was in
9 full force and effect at all times relevant to the charges brought in Accusation No. 2012-210 and
10 will expire on August 31, 2013, unless renewed.

11 JURISDICTION

12 5. Accusation No. 2012-210 was filed before the Board and is currently pending against
13 Respondent. The Accusation and all other statutorily required documents were properly served
14 on Respondent on October 5, 2011. Respondent timely filed her Notice of Defense contesting the
15 Accusation.

16 6. A copy of Accusation No. 2012-210 is attached as Exhibit A and incorporated by
17 reference.

18 ADVISEMENT AND WAIVERS

19 7. Pursuant to Business and Professions Code section 102.3, the Board delegated its
20 duties to the Department of Consumer Affairs by way of an interagency agreement, effective
21 December 31, 2011, until legislation re-establishing the Board takes effect. A copy of the
22 interagency agreement is attached as Exhibit B and incorporated by reference. Hereinafter, all
23 references to the Board shall include the Boards or its successor.

24 8. Respondent acknowledges and agrees that the Board or its successor has continuing
25 jurisdiction to discipline her license.

26 9. Respondent has carefully read, and understands the charges and allegations in
27 Accusation No. 2012-210. Respondent has also carefully read, and understands the effects of this
28 Stipulated Settlement and Disciplinary Order.

10. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

11. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

12. Respondent admits the truth of the First through Fourth Causes for Discipline in Accusation No. 2012-210.

13. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the probationary terms as set forth in the Disciplinary Order below.

CIRCUMSTANCES IN MITIGATION

14. Respondent has never been the subject of any disciplinary action. She is admitting responsibility at an early stage in the proceedings.

CONTINGENCY

15. This stipulation shall be subject to approval by the Board or its successor pursuant to the Board's delegation of authority as set forth in the attached interagency agreement. Respondent understands and agrees that counsel for Complainant and Board staff may communicate directly with the Board or its successor regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel.

By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation before the Board or its successor act on it or it becomes effective by operation of law pursuant to the Administrative Procedure Act (Gov. Code, § 11340 et seq.). If the Stipulated Settlement and Disciplinary Order is rejected by the Board or its successor as the final resolution of the pending accusation, it shall be of no force or effect,

1 except for this paragraph it shall be inadmissible in any legal action between the parties, and the
2 Board or its successor shall not be disqualified from further action by having considered this
3 matter.

4 16. The parties understand and agree that facsimile copies of this Stipulated Settlement
5 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
6 effect as the originals.

7 17. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
8 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
9 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
10 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
11 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
12 writing executed by an authorized representative of each of the parties.

13 18. In consideration of the foregoing admissions and stipulations, the parties agree that
14 the Board may, without further notice or formal proceeding, issue and enter the following
15 Disciplinary Order:

16 **DISCIPLINARY ORDER**

17 IT IS HEREBY ORDERED that Registered Nurse License No. 308467 and Public Health
18 Nurse Certificate No. 29234 issued to Respondent are revoked. However, the revocations are
19 stayed and Respondent is placed on probation for three (3) years on the following terms and
20 conditions.

21 **Severability Clause.** Each condition of probation contained in this Stipulation is a separate
22 and distinct condition. If any condition of this Order, or any application thereof, is declared
23 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
24 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
25 and enforceable to the fullest extent permitted by law.

26 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and
27 detailed account of any and all violations of law shall be reported by Respondent to the Board in
28 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with

1 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within
2 45 days of the effective date of the decision, unless previously submitted as part of the licensure
3 application process.

4 **Criminal Court Orders:** If Respondent is under criminal court orders, including
5 probation or parole, and the order is violated, this shall be deemed a violation of these probation
6 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

7 2. **Comply with the Board's Probation Program.** Respondent shall fully comply with
8 the conditions of the Probation Program established by the Board and cooperate with
9 representatives of the Board in its monitoring and investigation of the Respondent's compliance
10 with the Board's Probation Program. Respondent shall inform the Board in writing within no
11 more than 15 days of any address change and shall at all times maintain an active, current license
12 status with the Board, including during any period of suspension.

13 Upon successful completion of probation, Respondent's license shall be fully restored.

14 3. **Report in Person.** Respondent, during the period of probation, shall appear in
15 person at interviews/meetings as directed by the Board or its designated representatives.

16 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
17 practice as a registered nurse outside of California shall not apply toward a reduction of this
18 probation time period. Respondent's probation is tolled, if and when she resides outside of
19 California. Respondent must provide written notice to the Board within 15 days of any change of
20 residency or practice outside the state, and within 30 days prior to re-establishing residency or
21 returning to practice in this state.

22 Respondent shall provide a list of all states and territories where she has ever been licensed
23 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
24 information regarding the status of each license and any changes in such license status during the
25 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
26 license during the term of probation.

27 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit
28 or cause to be submitted such written reports/declarations and verification of actions under

1 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
2 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
3 Respondent shall immediately execute all release of information forms as may be required by the
4 Board or its representatives.

5 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
6 state and territory in which she has a registered nurse license.

7 **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall
8 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
9 6 consecutive months or as determined by the Board.

10 For purposes of compliance with the section, "engage in the practice of registered nursing"
11 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
12 non-direct patient care position that requires licensure as a registered nurse.

13 The Board may require that advanced practice nurses engage in advanced practice nursing
14 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

15 If Respondent has not complied with this condition during the probationary term, and
16 Respondent has presented sufficient documentation of her good faith efforts to comply with this
17 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
18 extension of Respondent's probation period up to one year without further hearing in order to
19 comply with this condition. During the one year extension, all original conditions of probation
20 shall apply.

21 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain
22 prior approval from the Board before commencing or continuing any employment, paid or
23 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
24 performance evaluations and other employment related reports as a registered nurse upon request
25 of the Board.

26 Respondent shall provide a copy of this Decision to her employer and immediate
27 supervisors prior to commencement of any nursing or other health care related employment.

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1 In addition to the above, Respondent shall notify the Board in writing within seventy-two
2 (72) hours after she obtains any nursing or other health care related employment. Respondent
3 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
4 separated, regardless of cause, from any nursing, or other health care related employment with a
5 full explanation of the circumstances surrounding the termination or separation.

6 8. **Supervision.** Respondent shall obtain prior approval from the Board regarding
7 Respondent's level of supervision and/or collaboration before commencing or continuing any
8 employment as a registered nurse, or education and training that includes patient care.

9 Respondent shall practice only under the direct supervision of a registered nurse in good
10 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
11 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
12 approved.

13 Respondent's level of supervision and/or collaboration may include, but is not limited to the
14 following:

15 (a) **Maximum** - The individual providing supervision and/or collaboration is present in
16 the patient care area or in any other work setting at all times.

17 (b) **Moderate** - The individual providing supervision and/or collaboration is in the patient
18 care unit or in any other work setting at least half the hours Respondent works.

19 (c) **Minimum** - The individual providing supervision and/or collaboration has person-to-
20 person communication with Respondent at least twice during each shift worked.

21 (d) **Home Health Care** - If Respondent is approved to work in the home health care
22 setting, the individual providing supervision and/or collaboration shall have person-to-person
23 communication with Respondent as required by the Board each work day. Respondent shall
24 maintain telephone or other telecommunication contact with the individual providing supervision
25 and/or collaboration as required by the Board during each work day. The individual providing
26 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
27 patients' homes visited by Respondent with or without Respondent present.

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1 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any
2 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
3 or for an in-house nursing pool.

4 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
5 registered nursing supervision and other protections for home visits have been approved by the
6 Board. Respondent shall not work in any other registered nursing occupation where home visits
7 are required.

8 Respondent shall not work in any health care setting as a supervisor of registered nurses.
9 The Board may additionally restrict Respondent from supervising licensed vocational nurses
10 and/or unlicensed assistive personnel on a case-by-case basis.

11 Respondent shall not work as a faculty member in an approved school of nursing or as an
12 instructor in a Board approved continuing education program.

13 Respondent shall work only on a regularly assigned, identified and predetermined
14 worksite(s) and shall not work in a float capacity.

15 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
16 request documentation to determine whether there should be restrictions on the hours of work.

17 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and
18 successfully complete a course(s) relevant to the practice of registered nursing no later than six
19 months prior to the end of her probationary term.

20 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
21 Respondent shall submit to the Board the original transcripts or certificates of completion for the
22 above required course(s). The Board shall return the original documents to Respondent after
23 photocopying them for its records.

24 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its
25 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
26 amount of \$2,242.50. Respondent shall be permitted to pay these costs in a payment plan
27 approved by the Board, with payments to be completed no later than three months prior to the end
28 of the probation term.

1 If Respondent has not complied with this condition during the probationary term, and
2 Respondent has presented sufficient documentation of her good faith efforts to comply with this
3 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
4 extension of Respondent's probation period up to one year without further hearing in order to
5 comply with this condition. During the one year extension, all original conditions of probation
6 will apply.

7 **12. Violation of Probation.** If Respondent violates the conditions of her probation, the
8 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
9 and impose the stayed discipline (revocation/suspension) of Respondent's license.

10 If during the period of probation, an accusation or petition to revoke probation has been
11 filed against Respondent's license or the Attorney General's Office has been requested to prepare
12 an accusation or petition to revoke probation against Respondent's license, the probationary
13 period shall automatically be extended and shall not expire until the accusation or petition has
14 been acted upon by the Board.

15 **13. License Surrender.** During Respondent's term of probation, if she ceases practicing
16 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,
17 Respondent may surrender her license to the Board. The Board reserves the right to evaluate
18 Respondent's request and to exercise its discretion whether to grant the request, or to take any
19 other action deemed appropriate and reasonable under the circumstances, without further hearing.
20 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
21 subject to the conditions of probation.

22 Surrender of Respondent's license shall be considered a disciplinary action and shall
23 become a part of Respondent's license history with the Board. A registered nurse whose license
24 has been surrendered may petition the Board for reinstatement no sooner than the following
25 minimum periods from the effective date of the disciplinary decision:

26 (1) Two years for reinstatement of a license that was surrendered for any reason other
27 than a mental or physical illness; or

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1 (2) One year for a license surrendered for a mental or physical illness.

2 14. **Physical Examination.** Within 45 days of the effective date of this Decision,
3 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician
4 assistant, who is approved by the Board before the assessment is performed, submit an
5 assessment of the Respondent's physical condition and capability to perform the duties of a
6 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
7 medically determined, a recommended treatment program will be instituted and followed by the
8 Respondent with the physician, nurse practitioner, or physician assistant providing written reports
9 to the Board on forms provided by the Board.

10 If Respondent is determined to be unable to practice safely as a registered nurse, the
11 licensed physician, nurse practitioner, or physician assistant making this determination shall
12 immediately notify the Board and Respondent by telephone, and the Board shall request that the
13 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
14 immediately cease practice and shall not resume practice until notified by the Board. During this
15 period of suspension, Respondent shall not engage in any practice for which a license issued by
16 the Board is required until the Board has notified Respondent that a medical determination
17 permits Respondent to resume practice. This period of suspension will not apply to the reduction
18 of this probationary time period.

19 If Respondent fails to have the above assessment submitted to the Board within the 45-day
20 requirement, Respondent shall immediately cease practice and shall not resume practice until
21 notified by the Board. This period of suspension will not apply to the reduction of this
22 probationary time period. The Board may waive or postpone this suspension only if significant,
23 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
24 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
25 Only one such waiver or extension may be permitted.

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1 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

2 Respondent, at her expense, shall successfully complete during the probationary period or shall
3 have successfully completed prior to commencement of probation a Board-approved
4 treatment/rehabilitation program of at least six months duration. As required, reports shall be
5 submitted by the program on forms provided by the Board. If Respondent has not completed a
6 Board-approved treatment/rehabilitation program prior to commencement of probation,
7 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.
8 If a program is not successfully completed within the first nine months of probation, the Board
9 shall consider Respondent in violation of probation.

10 Based on Board recommendation, each week Respondent shall be required to attend at least
11 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,
12 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.
13 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be
14 added. Respondent shall submit dated and signed documentation confirming such attendance to
15 the Board during the entire period of probation. Respondent shall continue with the recovery plan
16 recommended by the treatment/rehabilitation program or a licensed mental health examiner
17 and/or other ongoing recovery groups.

18 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall
19 completely abstain from the possession, injection or consumption by any route of all controlled
20 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same
21 are ordered by a health care professional legally authorized to do so as part of documented
22 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)
23 days, by the prescribing health professional, a report identifying the medication, dosage, the date
24 the medication was prescribed, the Respondent's prognosis, the date the medication will no
25 longer be required, and the effect on the recovery plan, if appropriate.

26 Respondent shall identify for the Board a single physician, nurse practitioner or physician
27 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and
28 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-

1 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report
2 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances
3 considered addictive have been prescribed, the report shall identify a program for the time limited
4 use of any such substances.

5 The Board may require the single coordinating physician, nurse practitioner, or physician
6 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
7 medicine.

8 **17. Submit to Tests and Samples.** Respondent, at her expense, shall participate in a
9 random, biological fluid testing or a drug screening program which the Board approves. The
10 length of time and frequency will be subject to approval by the Board. Respondent is responsible
11 for keeping the Board informed of Respondent's current telephone number at all times.
12 Respondent shall also ensure that messages may be left at the telephone number when she is not
13 available and ensure that reports are submitted directly by the testing agency to the Board, as
14 directed. Any confirmed positive finding shall be reported immediately to the Board by the
15 program and Respondent shall be considered in violation of probation.

16 In addition, Respondent, at any time during the period of probation, shall fully cooperate
17 with the Board or any of its representatives, and shall, when requested, submit to such tests and
18 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
19 hypnotics, dangerous drugs, or other controlled substances.

20 If Respondent has a positive drug screen for any substance not legally authorized and not
21 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
22 files a petition to revoke probation or an accusation, the Board may suspend Respondent from
23 practice pending the final decision on the petition to revoke probation or the accusation. This
24 period of suspension will not apply to the reduction of this probationary time period.

25 If Respondent fails to participate in a random, biological fluid testing or drug screening
26 program within the specified time frame, Respondent shall immediately cease practice and shall
27 not resume practice until notified by the Board. After taking into account documented evidence
28 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may

1 suspend Respondent from practice pending the final decision on the petition to revoke probation
2 or the accusation. This period of suspension will not apply to the reduction of this probationary
3 time period.

4 **18. Mental Health Examination.** Respondent shall, within 45 days of the effective date
5 of this Decision, have a mental health examination including psychological testing as appropriate
6 to determine her capability to perform the duties of a registered nurse. The examination will be
7 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by
8 the Board. The examining mental health practitioner will submit a written report of that
9 assessment and recommendations to the Board. All costs are the responsibility of Respondent.
10 Recommendations for treatment, therapy or counseling made as a result of the mental health
11 examination will be instituted and followed by Respondent.

12 If Respondent is determined to be unable to practice safely as a registered nurse, the
13 licensed mental health care practitioner making this determination shall immediately notify the
14 Board and Respondent by telephone, and the Board shall request that the Attorney General's
15 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
16 practice and may not resume practice until notified by the Board. During this period of
17 suspension, Respondent shall not engage in any practice for which a license issued by the Board
18 is required, until the Board has notified Respondent that a mental health determination permits
19 Respondent to resume practice. This period of suspension will not apply to the reduction of this
20 probationary time period.

21 If Respondent fails to have the above assessment submitted to the Board within the 45-day
22 requirement, Respondent shall immediately cease practice and shall not resume practice until
23 notified by the Board. This period of suspension will not apply to the reduction of this
24 probationary time period. The Board may waive or postpone this suspension only if significant,
25 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
26 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
27 Only one such waiver or extension may be permitted.
28

ACCEPTANCE

DATED:

3/20/12

ENDORSEMENT

Dated:

22 MARCH 2012

KAMALA D. HARRIS
Attorney General of California
~~DIANN SOKOLOFF~~
Supervising Deputy Attorney General

STIPULATED SETTLEMENT (2012-210)

Exhibit A

Accusation No. 2012-210

1 KAMALA D. HARRIS
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2 DIANN SOKOLOFF
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3 SUSANA A. GONZALES
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Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-210

13 JUDY R. LANGLOIS, a.k.a. JUDY
ROSEMARY LANGLOIS
14 6 Admiral Drive # 472
Emeryville, CA 94608
Registered Nurse License No. 308467
Public Health Nurse Certificate No. 29234

15 **ACCUSATION**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, (Board)
22 Department of Consumer Affairs.

23 2. On or about September 30, 1979, the Board issued Registered Nurse License Number
24 308467 to Judy R. Langlois, also known as Judy Rosemary Langlois (Respondent). The
25 Registered Nurse License was in full force and effect at all times relevant to the charges brought
26 in this Accusation and will expire on August 31, 2013, unless renewed.
27
28

3. On or about November 21, 1979, the Board issued Public Health Nurse Certificate Number 29234 to Judy R. Langlois, also known as Judy Rosemary Langlois (Respondent). The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on August 31, 2013, unless renewed.

JURISDICTION

4. This Accusation is brought before the Board, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), of the Code, the Board may renew an expired license at any time within eight years after the expiration.

7. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY AND REGULATORY PROVISIONS

8. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

1 “(a) Unprofessional conduct, which includes, but is not limited to, the following:

2 ...

3 “(f) Conviction of a felony or of any offense substantially related to the qualifications,
4 functions, and duties of a registered nurse, in which event the record of the conviction shall be
5 conclusive evidence thereof.”

6 9. Section 2762 of the Code states:

7 “In addition to other acts constituting unprofessional conduct within the meaning of this
8 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
9 chapter to do any of the following:

10 ...

11 “(b) Use any controlled substance as defined in Division 10 (commencing with Section
12 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
13 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
14 himself or herself, any other person, or the public or to the extent that such use impairs his or her
15 ability to conduct with safety to the public the practice authorized by his or her license.

16 “(c) Be convicted of a criminal offense involving the prescription, consumption, or
17 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
18 or the possession of, or falsification of a record pertaining to, the substances described in
19 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
20 thereof.”

21 10. Section 490 of the Code provides, in pertinent part, that a board may suspend or
22 revoke a license on the ground that the licensee has been convicted of a crime substantially
23 related to the qualifications, functions, or duties of the business or profession for which the
24 license was issued.

25 11. California Code of Regulations, title 16, section 1444, states:

26 “A conviction or act shall be considered to be substantially related to the qualifications,
27 functions or duties of a registered nurse if to a substantial degree it evidences the present or
28

1 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
2 safety, or welfare."

3 COST RECOVERY

4 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licentiate found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case.

8 FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

9 (Bus. & Prof. Code §§ 2761, subd. (a), 2762, subd. (b))

10 13. Respondent has subjected her registered nurse license to disciplinary action under
11 Code section 2761, subdivision (a), in that she engaged in unprofessional conduct by using
12 alcohol or drugs in a dangerous manner. The circumstances are as follows:

13 14. On or about April 9, 2003, a Berkeley Police Officer (Officer 1) heard a radio
14 broadcast identifying a possible drunk or erratic driver exiting westbound on Interstate 80 at
15 Gilman Street. Officer 1 responded to the broadcast and observed Respondent driving her vehicle
16 and swerving. Officer 1 stopped Respondent's vehicle at the intersection of Cedar and McGee
17 Avenue. Officer 1 approached Respondent and asked for her driver's license. Officer 1 smelled
18 marijuana and alcohol in Respondent's vehicle. Another Berkeley Police Officer (Officer 2)
19 arrived at the scene and contacted Respondent. Officer 2 noticed that Respondent's eyes were
20 watery and her pupils were constricted. Officer 2 asked Respondent to perform a series of Field
21 Sobriety Tests (FST). Officer 2 explained and demonstrated each FST to Respondent.
22 Respondent performed poorly on each FST, leading Officer 2 to believe that Respondent was
23 under the influence of drugs. Officer 2 arrested Respondent for violation of Vehicle Code section
24 23152, subdivision (a), suspecting that she was under the influence of marijuana based upon his
25 observations and the smell of marijuana on Respondent's person.
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1 front end, hood, grill, bumper, windshield, both front quarter panels, and right side doors.
2 Respondent was leaning against the concrete wall with another officer standing near her. The
3 CHP Officer contacted Respondent and began to obtain a statement from her regarding the
4 accident. As Respondent spoke, the CHP Officer detected a distinct odor of alcohol emitting
5 from her breath. He also noticed that her eyes were red and cloudy, and her speech was hoarse.
6 The CHP Officer told Respondent that he could smell alcohol coming from her breath.
7 Respondent denied having consumed alcohol. The CHP Officer advised Respondent that he
8 wanted her to perform a series of FSTs, which he demonstrated to her and asked her to perform.
9 Respondent failed to perform the FSTs as demonstrated. At approximately 2:26 p.m., the CHP
10 Officer arrested Respondent for driving under the influence of an alcoholic beverage. The CHP
11 Officer advised Respondent of the Chemical Test Admonition, and Respondent consented to a
12 breath test. Respondent was transported to the Oakland CHP office to take the breath test.
13 Respondent was administered the breath test twice, and both results showed that Respondent had
14 a blood alcohol concentration of .16 percent.

15 19. Based upon Respondent's statement, the physical evidence located at the scene, and
16 the damage to Respondent's vehicle, the CHP Officer concluded that Respondent was driving
17 westbound on State Route 24 in the #4 lane at 30 to 40 miles-per-hour and attempted to make a
18 lane change from the #4 lane into the #3 lane. Due to her level of intoxication, Respondent
19 allowed her vehicle to drift onto the right shoulder and strike the metal and concrete guardrail.
20 Respondent then jerked her steering wheel to the left and drove across the #4, #3, #2, and #1 lanes
21 in a southerly direction. She was unable to stop her vehicle and continued into the center divider,
22 striking the 20 foot concrete wall. Her vehicle then came to a stop against the concrete wall and
23 partially across the #1 lane. The CHP Officer concluded that Respondent was at fault in the
24 collision and that she was under the influence of an alcoholic beverage or drug.

1 FOURTH CAUSE FOR DISCIPLINE

2 (Conviction)

3 (Bus. & Prof. Code §§ 490, 2761, subd. (f), 2762, subd. (c))

4 20. Complainant realleges the allegations contained in paragraphs through 17 through 19
5 above, and incorporates them by reference as if fully set forth.

6 21. Respondent has subjected her registered nurse license to disciplinary action under
7 Code sections 490, 2761, subdivision (f), and 2762 subdivision (c), as defined by California Code
8 of Regulations, title 16, section 1444, in that she was convicted of a crime involving the
9 consumption of alcohol, which is substantially related to the qualifications, functions, and duties
10 of a registered nurse. Specifically, on or about March 1, 2007, in a criminal matter entitled *The*
11 *People of the State of California v. Judy Rosemary Langlois*, Docket No. 525107, in the Superior
12 Court of Alameda County, Respondent was convicted by plea of no contest to one count of
13 violating Vehicle Code section 23152, subdivision (a) (driving under the influence of any
14 alcoholic beverage or drug, or under the combined influence of any alcoholic beverage or drug),
15 with one prior violation of Vehicle Code section 23103, subdivision (a) (reckless driving
16 involving the consumption of an alcoholic beverage and/or ingestion or administration of drugs),
17 a misdemeanor. Respondent was sentenced to 10 days in County Jail and three years of
18 probation. Respondent was further ordered to pay various fees and fines, be of good conduct,
19 obey all laws, complete an 18 month alcohol or drug program, and install an ignition interlock
20 device.

21 FIFTH CAUSE FOR DISCIPLINE

22 (Unprofessional Conduct)

23 (Bus. & Prof. Code § 2761, subd. (a))

24 22. Respondent has subjected her registered nurse license to disciplinary action under
25 Code section 2761, subdivision (a), in that on or about March 18, 2010, Respondent engaged in
26 unprofessional conduct when she collided into a parked vehicle. The force of the impact caused
27 minor damage to both vehicles. Respondent failed to stop and make any attempt to try and locate
28 the driver or owner of the vehicle that she hit. Respondent then drove away from the scene of the
collision without leaving the information required by law.

1 SIXTH CAUSE FOR DISCIPLINE

2 (Conviction)

3 (Bus. & Prof. Code § 2761, subs. (a), (f))

4 23. Complainant hereby realleges the allegations contained in paragraph 22 above, and
5 incorporates them as if fully set forth.

6 24. Respondent has subjected her registered nurse license to disciplinary action under
7 Code section 2761, subdivisions (a) and (f), in that on or about September 29, 2010, in a criminal
8 matter entitled *The People of the State of California v. Judy Rosemary Langlois*, Case No.
9 C1078276, in the Superior Court of Santa Clara County, Respondent was convicted by plea of
10 nolo contendere to one count of violating Vehicle Code section 16025, subdivision (a) (failure to
11 exchange required information following a collision), an infraction. Respondent was ordered to
12 pay a fine.

13 PRAYER

14 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
15 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse License Number 308467, issued to Judy R.
17 Langlois, also known as Judy Rosemary Langlois;

18 2. Revoking or suspending Public Health Nurse Certificate Number 29234, issued to
19 Judy R. Langlois, also known as Judy Rosemary Langlois;

20 3. Ordering Judy R. Langlois, also known as Judy Rosemary Langlois to pay the Board
21 of Registered Nursing the reasonable costs of the investigation and enforcement of this case,
22 pursuant to Business and Professions Code section 125.3;

23 4. Taking such other and further action as deemed necessary and proper.

24 DATED: October 5, 2011

25 Stacie Bern
26 for LOUISE R. BAILEY, M.ED., RN
27 Executive Officer
28 Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit B

**Interagency Agreement between the Department of Consumer Affairs
and the California Board of Registered Nursing**

STATE OF CALIFORNIA)
)
COUNTY OF SACRAMENTO)

SS:



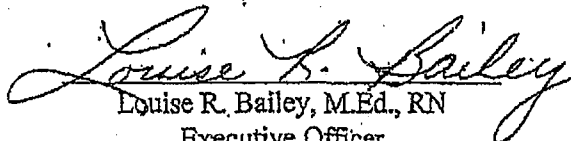
DECLARATION

I am a United States citizen and I am over the age of eighteen. I HEREBY CERTIFY that I, Louise R. Bailey, am the Executive Officer for the California State Board of Registered Nursing ("Board"), Department of Consumer Affairs, 1747 N. Market Blvd., Suite 150, Sacramento, CA, and am the official delegated Custodian of the Records for the Board of Registered Nursing. I am responsible for their maintenance pursuant to Chapter 6, Division 2 of the California Business & Professions Code and certify the contents of said records pursuant to Sections 162 and 163 of the Business and Professions Code.

I hereby state that:

Attached is a true certified copy of the Interagency Agreement between the Board of Registered Nursing and the Department of Consumer Affairs.

I declare under penalty of perjury under the laws of the United States that the above statements are true and correct to the best of my knowledge and belief. Given under my hand and the seal of the Board of Registered Nursing, Department of Consumer Affairs, at Sacramento, California, this 28th day of December 2011.


Louise R. Bailey, MEd., RN
Executive Officer

INTERAGENCY AGREEMENT

Between the Department of Consumer Affairs
&
California Board of Registered Nursing

WHEREAS, Business and Professions Code Sections 2701 and 2708, establishing the Board of Registered Nursing ("Board") and providing for an Executive Officer to perform the duties delegated by the Board will become ineffective and repealed effective January 1, 2012; and

WHEREAS, the Nursing Practice Act has not been repealed and will remain in full force and effect; and

WHEREAS, the Board is within the Department of Consumer Affairs ("Department"); and

WHEREAS, it is the mission of the Board and Department to provide as much consumer protection as possible; and

WHEREAS, the Board has, by vote at its meeting on November 16, 2011, delegated to the Department as of December 31, 2011, those duties, powers and responsibilities that the Board has previously delegated to the Board's Executive Officer as of December 31, 2011, and, further, approved entering into this agreement; and

WHEREAS, the Board and the Department wish to provide for the continued administration of those provisions of the Nursing Practice Act that have been delegated to the Board's Executive Officer in an uninterrupted and stable manner until legislation re-establishing the Board takes effect;

NOW THEREFORE, the parties to this Interagency Agreement (hereinafter "Agreement") agree as follows:

1. The Department accepts the delegation as approved by the Board and confirmed in this Agreement, and agrees to perform all such responsibilities in the best interests of protecting the public and consistently with the Nursing Practice Act.

2. The Board hereby authorizes and empowers the Department to the extent authorized by law, and subject to the review and approval of the State and Consumer Services Agency, to exercise those powers, duties and responsibilities that have been delegated to the Board's Executive Officer as of December 31, 2011, to administer the Nursing Practice Act.

3. The Board hereby authorizes the Department to utilize any previously appropriated funds of the Board to carry out the responsibilities in administering the Nursing Practice Act in conjunction with this Agreement; and those funds shall be used for the

purposes for which the Board of Registered Nursing Fund, Professions and Vocations Fund was established..

4. The Department shall adhere to all current Board policies while this Agreement is in effect; all regulations and policies that have been adopted by the Board as of December 31, 2011, shall remain in effect until the time that legislation re-establishing the Board takes effect.

5. This Agreement shall take effect on December 31, 2011, and remain in effect until the time that legislation re-establishing the Board takes effect.

6. In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

IT IS SO AGREED:

Department of Consumer Affairs ("Department")

By Brian Stiger
Brian Stiger, Acting Director

12/14/11
Date

California Board of Registered Nursing

By Jeannine Graves
Jeannine Graves, President
Doug Hofmeyer Vice President

12/14/11
Date

Approved:

By Anja M. Caballero
Anja M. Caballero, Secretary
State and Consumer Services Agency

12/14/11
Date